

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 ACDA-05 TRSE-00 SAJ-01 CAB-02 COME-00 DOTE-00

EB-07 FAA-00 SIL-01 LAB-04 NIC-01 /076 W

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R 191640Z DEC 74

FM USMISSION USBERLIN

TO SECSTATE WASHDC 0277

INFO AMEMBASSY ANKARA

AMEMBASSY BERLIN UNN

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A USBERLIN 2311

E.O. 11652: GDS

TAGS: PGOV, EAIR, WB, GE, TU

SUBJECTC TURKISH WORKER FLIGHTS

REF: (A) USBERLIN 2258; (B) USBERLIN 2197

(C) USBERLIN 2033; (D) BONN 18760

(E) STATE 243976; (F) STATE 264753

(G) BONN 19360

1. SUMMARY: SENAT SEEKING ALLIED AUTHORIZATION TO INVOKE PUNITIVE ACTION

AGAINST TURKISH AIRLINES (THY) TO ENSURE THAT TURKISH WORKER FLIGHTS ORIGINATE AND TERMINATE IN WEST BERLIN. WE WOULD PREFER TO WAIT UNTIL DIPLOMATIC POSSIBILITIES FOR RESOLUTION OF PROBLEM EXHAUSTED.

BELIEVE RECENT GRANTING BY ALLIES OF WEST BERLIN

LANDING RIGHTS TO THY PLUS REASONED APPROACH TO GOT,

WITH FRG IN LEAD, MAY OFFER OPPORTUNITY FOR THREE ALLIED CARRIERS TO

CONTINUE TURKISH WORKER FLIGHTS. END SUMMARY.

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2. IN SEEKING IMPLEMENTATION OF WEST BERLIN HOUSE OF REPS RESOLUTION THAT TURKISH WORKERS BE TRANSPORTED ONLY FROM WEST BERLIN AIRPORTS (REF A), BERLIN SENAT DEC 12 REQUESTED ALLIED CONSENT TO INVOKE BK/O(62)5 TO CURTAIL THY COMMERCIAL ACTIVITIES OF IN WEST BERLIN. (UNDER BK/O SENAT MAY FORBIT ACTIVITY OR ENTERPRISE BY NON-GERMAN STATE ENTERPRISE THAT IMPAIRS ECONOMIC, CULTURAL, OR POLITICAL LIFE OF WEST BERLIN.) SPECIFICALLY SENAT PROPOSES (A) PROHIBITING THY FROM ARRANGING CHARTER FLIGHTS FOR WEST BERLIN'S TURKISH WORKERS FROM SCHOENEFELD, (B) PROHIBITING THY FROM ORGANIZING BUS SERVICE BETWEEN WEST BERLIN AND SCHOENEFELD, AND (C) CLOSING THY OFFICES IN WEST BERLIN IF THY FAILS TO OBSERVE ABOVE PROHIBITIONS.

3. IN JUSTIFYING REQUEST SENAT MADE FOLLOWING OBSERVATIONS:

A. SINCE INITIATION THY SCHOENEFELD SERVICE, NOV 73, THY HAS INSISTED THAT ALLIED OPERATORS OF TURKISH WORKER CHARTER FLIGHTS CONTINUING TO PAY THY DM 58 PER PASSENGER ROYALTY THEY HAD PAID PRIOR TO OPENING OF THY'S SCHOENEFELD SERVICE (REF B).

B. THY TICKET SALES ARE MADE DIRECTLY RATHER THAN THROUGH INTERMEDIARIES (TOUR OPERATORS, TRAVEL AGENTS) USED BY ALLIED CARRIERS.

C. WEST BERLIN/TURKEY PASSENGER STATISTICS REFLECT UNSCRUPULOUS THY SALES PRACTICE OF OFFERING CHARTER PASSAGE TO INELIGIBLE INDIVIDUALS (NOT GUEST WORKERS).

D. ALLIED CARRIERS HAVE BEEN UNABLE TO WORK OUT WITH THY RENEWAL OF PRESENT CONTRACT ("PROTOCOL") WHICH EXPIRES DEC 31, AND GOT REFUSES TO GRANT EXTENSION OF LANDING RIGHTS TO LAKER AIRWAYS (BRITISH) UNTIL NEW LAKER/THY PROTOCOL CONCLUDED.

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E. SHIFT OF SOME TURKISH WORKER PASSENGERS TO SCHOENEFELD HAS CAUSED LOSS IN LANDING FEES TO BERLIN AIRPORT COMPANY (BFG), WHICH MUST BE COMPENSATED FROM PUBLIC BUDGET.

F. SENAT HAS REQUESTED FRG TO CONTINUE NEGOTIATIONS WITH GOT TO GUARANTEE TRANSPORT OF TURKISH WORKERS FROM WEST BERLIN AIRPORTS ONLY.

4. STATISTICS PROVIDED BY SENAT SEEM TO INDICATE THAT WHILE SCHOENEFELD HAS BEEN GETTING MORE TURKEY-BOUND PASSENGERS, WEST BERLIN HAS NOT NECESSARILY BEEN LOSING PASSENGERS.

5. WITH REGARD TO DEC 31 EXPIRATION LANDING RIGHTS OF ALLIED CARRIERS (PARA 3D ABOVE), UK MISSION OFFICER POINTED OUT DEC 18 THAT LAKER AND DANAIR SO FAR HAVE BEEN NEITHER GRANTED NOR DENIED EXTENSION. CONSEQUENTLY, BRITISH CONSIDER SENAT STATEMENT ON LAKER MISLEADING. PANAM TOLD MISSION DEC 17 THAT IT LIKewise HAS NOT RECEIVED A YES OR NO ON EXTENSION BEYOND DEC 31, BUT THAT IT REMAINS OPTIMISTIC ITS WORKER FLIGHTS WILL

CONTINUE. PANAM REASONS THAT TSINCE PROTOCOL GRANTING LANDING RIGHTS THROUGH DEC 31 IS SAME DOCUMENT REQUIRING ROYALTY PAYMENTS BY ALLIED OPERATORS, IF THY CUTS OFF LANDING RIGHTS IT WOULD STOP FLOW OF ROYALTIES FROM PANAM. PANAM ANTICIPATES GOT MAY APPROVE FLIGHTS ON

CASE BY CASE BASIS AFTER DEC 31. UNLIKE PANAM, BRITISH CARRIERS PAY ROYALTIES INTO EXCROW ACCOUNT (REF C) AND THEREFORE HAVE LESS LEVERAGE WITH THY.

6. PANAM ALSO NOTED THAT THY NOT LIKELY TO TAKE MEASURE WHICH WOULD EFFECT TURKISH WORKERS TRAVELLING FROM BERLIN AT LEAST UNTIL AFTER THY AND LUFTHANSA HAVE RENEGOTIATED EXTENSION OF THEIR PROTOCOL FOR WORKER FLIGHTS BETWEEN FRG AND TURKEY.

7. TURKISH WORKER FLIGHTS, WHILE VITAL TO SMALL BRITISH OPERATORS, ARE ONLY marginally IMPROTANT TO PANAM. ALSO PANAM'S INTERNATIONAL SCHEDULED SERVICES CONFIDENTIAL

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CREATE BROADER RELATIONSHIP WITH THY WITH OPPORTUNITIES FOR INTER-AIRLINE QUID PRO QUO. THIS GIVES PAN AM ADVANTAGE VIS-A -VIS BRITISH CARRIERS SHOULD THY TRY TO FORCE ONLY SOME ALLIED CARRIERS OUT -- A POSSIBLILITY PANAM MAY BE TEMPTED TO EXPLOIT.

8. RESORT TO BK/O WOULD HAVE TO BE JUSTIFIED ON GROUNDS THY BENEFITS NON-GERMAN STATE (TURKEY) AT EXPENSE OF BERLIN'S POLITICAL AND ECONOMIC HEALTH. IT WOULD BE DIFFICULT TO SUBSTANTIATE SERIOUS ECONOMIC HARM SUFFERED BY BERLIN AT THIS STAGE, ALTHOUGH CASE MIGHT BE MADE IN FUTURE IF ALLIED CHARTERS ARE NOT PERMITTED TO CONTINUE IN BUSINESS OR FURTHERTRAFFIC DIVERTED TO SCHOENEFELD. IT SHOULD BE NOTED THAT TURKS ARE LIKELY TO VIEW INVOCATION OF BK/O MORE AS AN ALLIED

THAN A GERMAN MEASURE AND RESULTING HARD FEELINGS, RETALIATION, ETC., WOULD THUS BE DIRECTED MORE AT US. THIS WOULD BE INCONSISTENT WITH POSITION THAT FRG TAKE LEAD IN RELATED MATTER OF AEGEAN AIR TRAFFIC.

9. BEFORE INVOKING ALLIED LEGISLATION AGAINST CARRIER OF NATO ALLY, WE WOULD BE INCLINED TO GIVE THY CHANCE TO TAKE ADVANTAGE OF ITS NEW WEST BERLIN LANDING RIGHTS. ALTHOUGH WE ARE SKEPTICAL THAT GDR IS ON VERGE OF OFFERING OVER-FLIGHT RIGHTS TO NON-ALLIED CARRIERS FLYING TO WEST BERLIN (REF D), TURKISH CONGEN AND LOCAL THY MANAGER REMAIN OPTIMISTIC THAT THY WILL OBTAIN OVER-FLIGHT RIGHTS. COMING ON HEELS OF ALLIED GRANT OF LONG SOUGHT WEST BERLIN LANDING RIGHTS, SEVERE ACTION REQUESTED BY SENAT COULD CAUSE GOT TO DROP APPROACH TO GDR AND THEREBY DENY ALLIES ADVANTAGES (NOTED REF E) OF HAVING GDR UNDER PRESSURE ON OVER-FLIGHT ISSUE.

10. THEREFORE, WE AGREE THAT COORDINATED QUADRIPARTITIE APPROACH BE MADE TO GOT, WITH FRG IN LEAD. WHILE WE DO NOT BELIEVE RESORT TO BK/O SHOULD BE RULED OUT, WE SUGGEST THAT WE HOLD THIS STEP IN ABEYANCE, AND IF INVOKED, THAT SMALL STEPS BE TAKEN FIRST, E.G., REQUEST TO THY FOR "INFORMATION", OR STEP B PARA 2 ABOVE BEFORE STEP A. SELIGMANN
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Message Attributes

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Disposition Date: 28 MAY 2004
Disposition Event:
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